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In re Application of : NOV 29 2005
Lonnies et al. :
Application No. 10/628,214 : OFFICE OF PETITIONS
Filed: July 28, 2003 :
Attorney Docket No. 2001.079 :

This is a decision in response to the petition under 37 CFR 1.137(b), filed November 9, 2005, to revive the above-identified application.

This Petition is hereby granted.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 13, 2005. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on July 14, 2005. A Notice of Abandonment was mailed on November 1, 2005.

With the instant petition, Petitioner has satisfied the requirements of a grantable petition under 37 CFR 1.137(b). An Amendment in response to the April 13, 2005 Office action is filed with the instant petition. Accordingly, the petition is granted.

Applicant files a five (5) month extension-of-time request and fee with the instant petition; however, the maximum extendable period available to respond the Notice under 37 CFR 1.136 is three (3) months, or until October 13, 2005. After October 13, 2005, no extensions-of-time were available as the application became abandoned on July 14, 2005, the day after the shortened statutory reply period set forth in the Office action expired. Thereafter, a petition to revive the application is the appropriate course of action.

A refund of the extension of time fee has been credited to deposit account 05-1328 as authorized in the instant petition.

This application is being forwarded to Technology Center Art Unit 3672 for processing of the Amendment, filed with the petition on November 9, 2005, in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney
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